

**OPINION
65-81**

August 18, 1965 (OPINION)

Mr. William L. Paulson

State's Attorney

Barnes County

RE: Counties - Park Board and Highway Department - Funds

This is in reply to your request for our opinion in regard to establishing a joint county park board and a county highway department.

The county park board of your county, of course, is legally established pursuant to statutory authority (chapter 11-28 of the North Dakota Century Code). Likewise, authority for supervision of county highways is provided by chapter 24-05 of the North Dakota Century Code. While we see no reason why office space and facilities could not be consolidated and the same employees work for both the park board and the county highway department, we believe the statutes would not allow a different chain of command or method of supervision than is provided for by statute.

On the same basis, it is our opinion that county park funds could not be diverted to county highway use and county road funds could not be diverted to county park use. Where the services performed closely overlap, we are sure arrangements for cooperation through the proper supervisory authorities could be worked out.

HELGI JOHANNESON

Attorney General